

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SIMRAN SERVICES LLC, *et al.*,

Plaintiffs,

17-cv-2918 (CM)

-against-

EVEREST FOODS INC., *et al.*,

Defendants.  
\_\_\_\_\_x

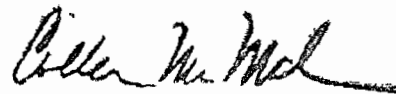
### ORDER TRANSFERRING CASE

McMahon, C.J.:

On March 29, 2017, Plaintiffs initiated this action in the Superior Court of New Jersey, Essex County. On April 21, 2017, Defendants filed a notice of removal in this Court. (Dkt. No. 1.) The federal removal statute provides: "A defendant or defendants desiring to remove any civil action from a State court shall file ***in the district court of the United States for the district and division within which such action is pending*** a notice of removal . . . ." 28 U.S.C. § 1446(a) (emphasis added). As this litigation was initiated in New Jersey state court, the only federal district court in which Defendants could have filed their notice of removal was the U.S. District Court for the District of New Jersey.

Therefore, removal to this Court was erroneous and the Clerk of Court is directed to transfer this case to the District of New Jersey. The initial pretrial conference scheduled for June 16 is, accordingly, cancelled.

Dated: May 17, 2017



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Chief Judge

BY ECF TO ALL COUNSEL